



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECH CENTER 1600/2900

Application of: Hoogenboom and Henderikx
Serial No.: 09/822,698
Filed: March 30, 2001
Entitled: MUCIN-1 SPECIFIC BINDING MEMBERS
AND METHODS OF USE THEREOF

Examiner: C. Yaen

Art Unit: 1642

Attorney Docket No.: DYX-015.1 US

Commissioner for Patents
Washington, D.C. 20231

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1-17-03

REQUEST FOR CLARIFICATION AND
SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

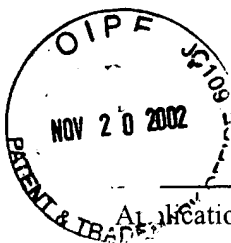
Sir:

This paper is filed in response to the Office communication (paper no. 12), dated October 22, 2002, in which the Examiner contends the Applicants' submission under 37 C.F.R. §1.129(a) was not fully responsive to the prior Office Action because Applicants have not elected a species.

This paper is filed within the one-month shortened statutory period for response. Accordingly, no fee associated with this response is believed to be due; however, to avoid abandonment, the Commissioner is hereby authorized to charge any fee related to this response to Deposit Account No. 50-0268.

REMARKS

Applicants request clarification, as the communication of paper no. 12 states that the Applicants' Rule 129(a) paper as filed is not fully responsive to the Office Action (paper no. 9) dated July 2, 2002, which imposed a restriction and election requirement. Applicants, however, did not file a Rule 129(a) paper, and, indeed, Applicants are not entitled to make use of Rule 129(a), as this application was filed in 2001. On review of the present communication (paper no. 12), in which the Examiner directs Applicants to elect among species set forth in paper no. 9, paragraph 8(c), Applicants further clarify their election below.



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TRANSMITTAL LETTER

Sir:

Transmitted herewith are: [X] Supplemental Response to Election/Restriction Requirement; and [X] a return postcard.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[] A fee for additional claims is required. The additional fee has been calculated as shown below:

	TOTAL CLAIMS	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEE DUE
TOTAL CLAIMS	69	69	0	× \$9	= 0.00
INDEPENDENT	36	36	0	× \$42	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM				+ \$280	= 0.00
TOTAL FEES DUE					= 00.00

[] Small entity status has already been established for Applicant(s) in this case.

PAYMENT OF ADDITIONAL FEES

[] A check in the amount of \$ 0.00 in payment of the fee for additional claims is transmitted herewith.

[] A check including the amount of \$ 00.00 in payment of the fee under 37 CFR §1.18(a) for issuing an original patent.

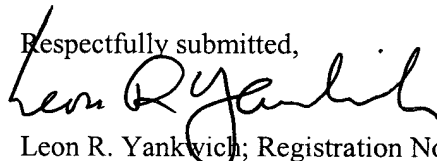
[] A check including the amount of \$ 00.00 in payment of the fee under 37 CFR §1.19(a)(1)(i) for 0 printed copies of patent charged at \$3.00 per copy.

[X] The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR 1.16 or 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.

PETITION FOR EXTENSION OF TIME

- [] Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the paper(s) filed herewith: [] \$55.00 for response within first month pursuant to 37 CFR 1.17(a)(1);
[] \$200.00 for response within second month pursuant to 37 CFR 1.17(a)(2);
[] \$460.00 for response within third month pursuant to 37 CFR 1.17(a)(3);
[] \$720.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4).
[] \$980.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- [] Total amount of payment in connection with the paper(s) transmitted herewith is \$ 00.00.
{check no. --}
- [X] The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268.

Respectfully submitted,




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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10, postage prepaid, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

Express Mailing Label No.: EV 191278580 US

November 21, 2002
Date


Stephanie L. Leicht